

Virginia Title V Operating Permit

Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-300 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Permit Number

Effective Date

Expiration Date

40602VA

September 7, 2001

September 7, 2006

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	Conectiv Delmarva Generation, Inc.
Facility Name:	Bayview Peaking Station (Cheriton)
Facility Location:	Route 684 (South of Route 641) Bayview, Northampton County

Permit issued this 7th day of September, 2001.

September 7, 2001

Effective Date

September 7, 2006

Expiration Date

Dennis H. Treacy, Director, Department of Environmental Quality

Signature Date

Table of Contents, 1 page

Permit Conditions, 19 pages

Table of Contents

I.	Facility Information	3
II.	Emissions Units.....	4
III.	Fuel Burning Equipment - (Engine Generator Sets, Emissions Units BV10-BV60)	
	A. Limitations.....	4
	B. Monitoring.....	5
	C. Recordkeeping.....	6
IV.	Insignificant Emissions Units	7
V.	Permit Shield and Inapplicable Requirements.....	8
VI.	General Conditions	
	A. Federal Enforceability	9
	B. Permit Expiration	9
	C. Recordkeeping and Reporting	9
	D. Annual Compliance Certification.....	10
	E. Permit Deviation Reporting	11
	F. Failure/Malfunction Reporting.....	11
	G. Severability	12
	H. Duty to Comply	12
	I. Need to Halt or Reduce Activity not a Defense	12
	J. Permit Action for Cause.....	12
	K. Property Rights.....	13
	L. Duty to Submit Information	13
	M. Duty to Pay Permit Fees	14
	N. Fugitive Dust Emission Standards	14
	O. Startup, Shutdown, and Malfunction.....	15
	P. Alternative Operating Scenarios	15
	Q. Inspection and Entry Requirements.....	15
	R. Reopening For Cause	16
	S. Permit Availability	16
	T. Transfer of Permits.....	16
	U. Malfunction as an Affirmative Defense	17
	V. Permit Revocation or Termination for Cause	18
	W. Duty to Supplement or Correct Application	18
	X. Stratospheric Ozone Protection.....	18
	Y. Accidental Release Prevention.....	18
	Z. Changes to Permits for Emissions Trading.....	19
	AA. Emissions Trading.....	19

I. Facility Information

Permittee

Conectiv Delmarva Generation, Inc.
800 King Street, Post Office Box 231
Wilmington, DE 19899-0231

Facility

Bayview Peaking Station (Cheriton)
Route 684 (South of Route 641)
Bayview, Northampton County

Responsible Official

Mr. James C. Weller
Vice President and General Manager - Generation
Conectiv
Deepwater Generating Station
373 North Broadway
Pennsville NJ 08070
(609) 678-1760 / 1753 (fax)
jim.weller@conectiv.com

Contact Person

Mr. M. Gary Helm
Environmental Consultant
Conectiv
(302) 454-4633 / (302) 283-5770 (fax)
gary.helm@conectiv.com

AIRS Identification Number: 51-131-00008

Facility Description: Standard Industrial Classification (SIC) Code Number 4911- Electric Power Generation. Conectiv Delmarva Generation's Bayview Peaking Station provides peak electric power through the operation of six internal combustion engines, each with a nominal electric generation capacity of two (2) megawatts (MW), two (2) 50,000 gallon #2 distillate fuel oil storage tanks, six (6) 380 gallon lubrication oil storage tanks, and one (1) internal combustion engine generator set for

emergency backup power to operate telecommunications equipment.

II. Emissions Units. Equipment to be operated consists of:

URN	Stack No.	Emissions Unit Description	Manufacturer and Date of Construction	Size/Rated Heat Input Capacity, mmBtu/hour
BV10	ST10	Internal Combustion (I.C.) Engine Generator Set No. 1	General Motors (GM)/ MP-36/October, 1963	21.0, nominal (2 MW nominal output)
BV20	ST20	I.C. Engine Generator Set No. 2	GM / MP-36 / October, 1963	21.0 (2 MW output)
BV30	ST30	I.C. Engine Generator Set No. 3	GM / MP-36 / October, 1963	21.0 (2 MW output)
BV40	ST40	I.C. Engine Generator Set No. 4	GM / MP-36 / October, 1963	21.0 (2 MW output)
BV50	ST50	I.C. Engine Generator Set No. 5	GM / MP-36 / October, 1963	21.0 (2 MW output)
BV60	ST60	I.C. Engine Generator Set No. 6	GM / MP-36 / 1976	21.0 (2 MW output)

III. Internal Combustion Engine Generators (6 Emissions Units BV10-BV60).

Table III.A.1. Emission Limitations for URN BV10-BV60 from Chap. 40, Article 4.		
Regulated Pollutant	Limit, lb/hr*, each	Applicable Requirement
SO ₂	55.4	9 VAC 5-40-280

* SO₂ limit (lb/hr) = 2.64 K, where K = 21.0 mmBTU/hr emissions unit heat input capacity

A. Limitations..

1. **Fuel.** The approved fuel for the six (6) internal combustion engines BV10-BV60 is distillate oil. A change in fuel may require a permit to modify and operate. (9 VAC 5-80-110)
2. **Fuel Specifications.** The sulfur content associated with the Numbers 1 and 2 distillate fuels combusted in emission units BV10 -BV60 shall be less than or equal to that specified in ASTM Method D 396-92 [0.5%, by weight, maximum sulfur content]. (9 VAC 5-40-280 and 9 VAC 5-50-110)

3. **Visible Emissions Limit.** Visible emissions from each engine generator stack (ST10-ST60) shall not exceed twenty (20) percent opacity, except for one six-minute period in any one hour in which visible emissions shall not exceed sixty (60) percent opacity from five engine generator stacks (ST10-ST50), or thirty (30) percent opacity from engine generator stack ST60. This condition applies to emissions units BV10-BV60 at all times except during start-up, shutdown, or malfunction. Failure to meet the requirements of this condition because of the presence of water vapor shall not be a violation of this condition. Compliance with the visible emissions standards shall be demonstrated by proper operation and maintenance of the emissions unit, periodic visual emissions observations, and by associated recordkeeping.
(9 VAC 5-40-320 and 9 VAC 5-50-80)
4. **Emission Limits.** Sulfur dioxide (SO₂) emissions from operation of each of six (6) internal combustion engines BV10-BV60 shall not exceed the limits specified in Table III.A.1.
(9 VAC 5-40-280)

B. Monitoring.

1. **Combustion Temperature Monitoring.** The source shall use combustion gas temperature monitoring, telemetry, and alarm notification systems to maintain efficient combustion during all manned and unmanned operating periods, to minimize the likelihood of excessive visible emissions from emission points ST10-ST60.
(9 VAC 5-40-100 and 9 VAC 5-50-100)
2. **Method 9 Visible Emissions Evaluation (VEE).** An initial visible emissions evaluation in accordance with 40 CFR 60 Appendix A, Method 9 shall be performed within 90 days of permit issuance for each of six (6) internal combustion engine generators BV10-BV60, unless such evaluations were performed within the consecutive 12-month period preceding permit issuance. The initial evaluations shall each consist of three six-minute observations during one consecutive 60-minute period, and shall be conducted during the period of maximum expected visible emissions under normal unit and facility operations. Following the performance of initial Method 9 observations, which shall each meet the requirement for one evaluation in the year it is conducted, visible emissions evaluations shall be performed in accordance with 40 CFR 60 Appendix A, Method 9 with the following frequency:

Total Engine Operating Hours in a Calendar Year	Minimum Number of Required Observations the Following Calendar Year
≤ 3000	1 per engine
> 3000	2 per engine

(9 VAC 5-40-110 and 9 VAC 5-50-110)

3. **Fuel Certification.** The permittee shall obtain a certification from each fuel supplier that the sulfur content conforms to ASTM Method D 396-92 for distillate fuels that are purchased for use at the facility. In addition, the following information shall be maintained:
 - a. The name of the fuel supplier;
 - b. The date on which the distillate oil was received;
 - c. The volume of distillate oil delivered in the shipment; and
 - d. The sulfur content of the distillate fuel oil sample.

(9 VAC 5-170-160)

C. Recordkeeping.

1. To minimize the duration and frequency of visible emissions due to malfunctions or abnormal operation of process equipment or air pollution control equipment, the permittee shall:
 - a. Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance.
 - b. Maintain an inventory of spare parts that are needed to minimize durations of air pollution control equipment breakdown.
- (9 VAC 5-40-50 and 9 VAC 5-50-50)
2. The permittee shall maintain records of all emissions data and operating parameters necessary to demonstrate compliance with this permit. These records shall include, but are not limited to:
 - a. Type and sulfur content of fuel combusted in the six (6) internal combustion engines BV10-BV60, as received from the supplier;
 - b. Operating hours per calendar year of the six (6) internal combustion engines BV10-BV60, updated monthly;

- c. Sulfur dioxide (SO₂) emission rate, in lb/hr, demonstrated by:
- (1) quarterly calculations for the following calendar year, when fuel sulfur content in any delivery exceeds 0.5%, by weight; and
 - (2) annual emissions inventory statements submitted to the Department, and/or through periodic calculations/information that the Department may request to validate these data.
- d. A record of each visible emissions observation and visible emissions evaluation, including any data required by 40 CFR 60 Appendix A, Method 22 or Method 9, whichever is appropriate; and at a minimum, the date, time, name of the emission unit, the applicable visible emissions requirement, the results of the observation, and the name of the observer; and
- e. A record of combustion gas temperature monitoring alarms that indicated the potential for excess visible emissions during remote operations.

These records shall be available on site for inspection by DEQ, and shall be current for the most recent five years.
(9 VAC 5-40-50, 9 VAC 5-40-1010, 9 VAC 5-50-50, and 9 VAC 5-80-110 F.)

IV. Insignificant Emissions Units

The following emissions units at the facility are identified in the application as insignificant emissions units under 9 VAC 5-80-720:

Emissions Unit Reference No. (URN)	Emissions Unit Description	Citation (9 VAC_)	Pollutant Emitted (5-80-720 B.)	Rated Capacity (5-80-720 C.)
BV100, BV101	Two (2) #2 Fuel Oil Storage Tanks	5-80-720 B.2.	VOC	50,000 gallons each
BV110- BV115	Six (6) #2 Fuel Oil Day Tanks	5-80-720 B.2.	VOC	120 gallons each
BV120- BV125	Six (6) Lube Oil Storage Tanks	5-80-720 B.2.	NA	380 gallons each
BV200	One (1) Emergency Generator	5-80-720 C.4.	PM ₁₀ , SO ₂ , NO _x , CO, VOC	<1 mmBTU/hr Heat Input

These emissions units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emissions units in accordance with 9 VAC 5-80-110.

V. Permit Shield and Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Citation	Description of applicability
Federal NSPS Subpart Kb	Storage Tank Standards	Federal NSPS, Subpart Kb, does not apply to two (2) oil storage tanks BV100 and BV101, five (5) day tanks BV110-BV115, five (5) lub oil tanks BV120-BV125. Fuel oil storage tanks BV100 and BV101, and day tanks BV110-BV115 were installed before, and not modified after, the 1984 applicability date for that standard. Lubrication oil storage tanks BV120-BV125 have maximum capacities less than 10,000 gallons each.
Article 4 in Chapter 40	Particulate Standards	The particulate standard in Article 4 of Chapter 40, Part II, of state regulations does not apply to internal combustion engines BV10-BV60 because the definition of process weight excludes liquid fuels. (The standard for SO ₂ in Article 4 does apply to BV10-BV60, however.)
Article 8 in Chap40	Fuel Burning Equipment Standards	Article 8 in Chapter 40, Part II, of state regulations does not apply to internal combustion engines BV10-BV60 because the rule excludes internal combustion engines from its definition of “fuel-burning equipment”.
Article 37 in Chapter 40	Storage Tank Standards	Article 37 in Chapter 40, Part II, of state regulations does not apply to storage tanks BV100 and BV101, BV110-BV115, and BV120-BV125. Fuel oil vapor pressures in tanks BV100, BV101, and BV110-115, and lubrication oil in tanks BV120-BV125, are below the article’s applicability threshold of 1.5 psia for any liquid in service by a storage tank.
Article 4 in Chapter 50	Standards of Performance for New and Modified Stationary Sources	9 VAC 5-50-280 requires BACT as reflected in any conditions placed on the permit approval for new or modified emissions unit. BV60 was installed in 1976, and not modified after the rule effectiveness date of August 3, 1979. Furthermore, BV60 was exempt from new source review (NSR) by a 1972 NSR regulation, as amended in 1975, based on a de minimus capacity of the unit (less than 3000 HP). 9 VAC 5-50-290 to 390, covering visible emissions, dust, odor, toxics, compliance, testing, monitoring, notification, records and reporting, registration, maintenance and malfunction, and permitting of new and modified sources, also do not apply until the unit is modified.

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law. (9 VAC 5-80-140)

VI. General Conditions

A. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.

(9 VAC 5-80-110 N)

B. Permit Expiration

This permit shall become invalid five years from the date of issuance. The permittee shall submit an application for renewal of this permit no earlier than 18 months and no later than six months prior to the date of expiration of this permit. Upon receipt of a complete and timely application for renewal, this source may continue to operate subject to final action by the DEQ on the renewal application.

(9 VAC 5-80-110 D and 9 VAC 5-80-80 F)

C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
 - a. The date, place as defined in the permit, and time of sampling or measurements.
 - b. The date(s) analyses were performed.
 - c. The company or entity that performed the analyses.
 - d. The analytical techniques or methods used.
 - e. The results of such analyses.
 - f. The operating conditions existing at the time of sampling or measurement.

(9 VAC 5-80-110 F)

2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

(9 VAC 5-80-110 F)

3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ. Reports shall cover a period of six months. The reporting periods shall be from the first day of the month to the last day of the sixth month. Reports shall be postmarked or delivered no later than 60 days following the end of the reporting period. The first reporting period shall commence on **November 1, 2001**. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:
 - a. The time period included in the report.
 - b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:
 - (1) Exceedance of emissions limitations or operational restrictions;
 - (2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,
 - (3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
 - c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that "no deviations from permit requirements occurred during this semi-annual reporting period."

(9 VAC 5-80-110 F)

D. Annual Compliance Certification

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices for a period of twelve months. The report shall be postmarked or delivered no later than 60 days following the end of the twelve-month period. The reporting periods shall coincide with the monitoring reporting periods. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification.

2. The identification of each term or condition of the permit that is the basis of the certification.
3. The compliance status.
4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
6. Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

(9 VAC 5-80-110 K.5)

E. Permit Deviation Reporting

The permittee shall notify the **Director, Tidewater Regional Office**, within 4 daytime business hours of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the occurrence, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General **Condition VI.C.3** of this permit.

(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

F. Failure/Malfunction Reporting

If, for any reason, the affected facilities or related air pollution control equipment fails or malfunctions and may cause excess emissions for more than one hour, the owner shall notify the Director, Tidewater Region, within four (4) daytime business hours of the occurrence. In addition, the owner shall provide a written statement, within 14 days, explaining the problem, corrective action taken, and the estimated duration of the breakdown/shutdown.
(9 VAC 5-20-180 C)

G. Severability

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.
(9 VAC 5-80-110 G.1)

H. Duty to Comply

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
(9 VAC 5-80-110 G.2)

I. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
(9 VAC 5-80-110 G.3)

J. Permit Action for Cause

1. This permit may be modified, revoked, reopened, and reissued, or terminated for cause as specified in 9 VAC 5-80-110 L, 9 VAC 5-80-240 and 9 VAC 5-80-260. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
(9 VAC 5-80-110 G.4)
2. Such changes that may require a permit modification and/or revisions include, but are not limited to, the following:
 - a. Erection, fabrication, installation, addition, or modification of an emissions unit (which is the source, or part of it, which emits or has the potential to emit any regulated air pollutant), or of a source, where there is, or there is the potential of, a resulting emissions increase;
 - b. Reconstruction or replacement of any emissions unit or components thereof such that its capital cost exceeds 50% of the cost of a whole new unit;

- c. Any change at a source which causes emission of a pollutant not previously emitted, an increase in emissions, production, throughput, hours of operation, or fuel use greater than those allowed by the permit, or by 9 VAC 5-80-11, unless such an increase is authorized by an emission cap; or any change at a source which causes an increase in emissions resulting from a reduction in control efficiency, unless such an increase is authorized by an emissions cap;
- d. Any reduction of the height of a stack or of a point of emissions, or the addition of any obstruction which hinders the vertical motion of exhaust;
- e. Any change at the source which affects its compliance with conditions in this permit, including conditions relating to monitoring, recordkeeping, and reporting;
- f. Addition of an emissions unit which qualifies as insignificant by emissions rate (9 VAC 5-80-720 B) or by size or production rate (9 VAC 5-80-720 C);
- g. Any change in insignificant activities, as defined by 9 VAC 5-80-90 D.1.a(1) and by 9 VAC 5-80-720 B and 9 VAC 5-80-720 C.

(9 VAC 5-80-110 G, 9 VAC 5-80-110 J, 9 VAC 5-80-240, and 9 VAC 5-80-260)

K. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.
(9 VAC 5-80-110 G.5)

L. Duty to Submit Information

- 1. The permittee shall furnish to the board, within a reasonable time, any information that the board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the board along with a claim of confidentiality.
(9 VAC 5-80-110 G.6)
- 2. Any document (including reports) required in a permit condition to be submitted to the board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.
(9 VAC 5-80-110 K.1)

M. Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-305 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-355. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by **April 15** of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.
(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

N. Fugitive Dust Emission Standards

During the operation of a stationary source or any other building, structure, facility or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited, to the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
2. Application of asphalt, oil, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;
4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and
5. The prompt removal of spilled or traced dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-40-90 or 9 VAC 5-50-90)

O. Startup, Shutdown, and Malfunction

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
(9 VAC 5-50-20)

P. Alternative Operating Scenarios

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80 Article 1.
(9 VAC 5-80-110 J)

Q. Inspection and Entry Requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

R. Reopening For Cause

The permit shall be reopened by the board if additional federal requirements become applicable to a major source with a remaining permit term of three or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
2. The permit shall be reopened if the administrator or the board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
3. The permit shall not be reopened by the board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

S. Permit Availability

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

T. Transfer of Permits

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
(9 VAC 5-80-160)
2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

U. Malfunction as an Affirmative Defense

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the conditions of paragraph 2 are met.
2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
 - a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
 - b. The permitted facility was at the time being properly operated.
 - c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.
 - d. The permittee notified the board of the malfunction within two working days following the time when the emissions limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, telegraph, or any other method that allows the permittee to comply with the deadline. The notice fulfills the requirement of 9 VAC 5-80-110 F.2. b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirements under 9 VAC 5-20-180 C.
3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any requirement applicable to the source.

(9 VAC 5-80-250)

V. Permit Revocation or Termination for Cause

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The board may suspend, under such conditions and for such period of time as the board may prescribe, any permit for any of the grounds for revocation or termination or for any other violations of these regulations.
(9 VAC 5-80-260)

W. Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.
(9 VAC 5-80-80 E)

X. Stratospheric Ozone Protection

If the permittee handles or emits one or more Class I or II substance subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.
(40 CFR Part 82, Subparts A - F)

Y. Accidental Release Prevention

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined under 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.
(40 CFR Part 68)

Z. Changes to Permits for Emissions Trading

No permit revision shall be required, under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.

(9 VAC 5-80-110 I)

AA. Emissions Trading

Where trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110 except subsection N shall be included to determine compliance.
2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110 I)

